



Department of Energy

Washington, DC 20585

November 18, 2003

MEMORANDUM FOR ROBERT WARTHER

MANAGER

OHIO FIELD OFFICE

FROM:


JESSIE HILL ROBERSON

ASSISTANT SECRETARY FOR
ENVIRONMENTAL MANAGEMENT

SUBJECT:

Approval of Request for Extension of the Exemption
from the 10 CFR 830.207(a) Requirement for the TRU
Waste Railcar Loading at Mound

References:

1. Memorandum from Robert Warther to Jessie Hill Roberson, "Request for Approval of Extension of TRU Waste Railcar Loading 10 CFR 830, Subpart B Exemption," dated November 13, 2003.
2. Memorandum from Jessie Roberson to Jack Craig, "Approval of the request for Exemption from 10 CFR 830.207(a) for the TRU Waste Railcar Loading at Mound, dated February 28, 2003.

The purpose of this memorandum is to approve the request for extension of the exemption (Reference 1) granted to CH2M HILL Mound, Inc. (CH2MHILL) on February 28, 2003 (Reference 2). That exemption allowed CH2MHILL to operate the TRU Waste Railcar Loading under a DOE-approved, non-compliant safety basis, until the end of the project planned for November 30, 2003. A Department of Transportation (DOT) approval for the TRU waste shipping was also in effect until November 30, 2003.

Since the exemption was granted, CH2MHILL removed all legacy waste as planned. When the exemption was granted, CH2MHILL planned the last shipment (the 10th one) for newly generated or newly discovered TRU waste. Presently CH2MHILL requests a 22-month extension of the existing 10 CFR 830.207(a) exemption. This additional time will allow the contractor to consolidate all additional newly generated TRU waste and evaluate the most cost-effective alternative of shipment. CH2MHILL requested and received the DOT extension for DOT railcar exemption until September 30, 2005.



A technical review of the materials submitted with this exemption extension request, of the current safety basis for the TRU Waste Railcar Loading, and of the Miamisburg Closure Project analysis of the request has been completed. I find that the evaluation of the 10 CFR 820 criteria for granting an exemption performed in February 2003 (Reference 2) remains currently valid. The overall risk to the worker, public, and environment decreased in the last nine months by removal of the remaining legacy TRU waste. The controls under which the railcar loading activities were conducted remain in place for newly generated or discovered waste. This exemption extension will end on September 30, 2005, the same date the DOT extension will end.

cc: Stephen Sohinki, EH-10
Richard Black, EH-53
Docketing Clerk, EH-10